

ESTTA Tracking number: **ESTTA385960**

Filing date: **12/29/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Arminex International, Inc.		
Entity	Corporation	Citizenship	CA
Address	4200 Verdant Street Los Angeles, CA 90039 UNITED STATES		

Attorney information	Jay Geller 12100 Wilshire Bl., Suite 500 Los Angeles, CA 90025 UNITED STATES jhgeller@aol.com Phone:3109799966
----------------------	--

### Applicant Information

Application No	85080615	Publication date	12/07/2010
Opposition Filing Date	12/29/2010	Opposition Period Ends	01/06/2011
Applicant	American International Industries 2220 Gaspar Avenue Commerce, CA 90040 UNITED STATES		

### Goods/Services Affected by Opposition


Class 003. All goods and services in the class are opposed, namely: Adhesives for artificial nails; Nail care preparations; Nail cream; Nail enamel; Nail hardeners; Nail polish; Nail polish base coat; Nail polish remover; Nail polish top coat; Nail strengtheners; Nail-polish removers
---

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77956116	Application Date	03/10/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	GELICURE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: Cuticle conditioners; Cuticle cream; Nail care preparations; Nail enamels; Nail hardeners; Nail polish base coat; Nail polish top coat; Nail strengtheners

Attachments	77956116#TMSN.jpeg ( 1 page )( bytes ) GELIQUE.OPP.pdf ( 2 pages )(44286 bytes )
-------------	---

### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/jhgeller/
Name	Jay Geller
Date	12/29/2010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Arminex International, Inc.	)	
	)	
	)	<u>NOTICE OF OPPOSITION</u>
Opposer,	)	
	)	Serial No. 85080615
v.	)	Mark: GELIQUE
	)	
American International Industries,	)	
	)	
	)	
Applicant.	)	
_____	)	

To The Commissioner of Patents and Trademarks:

Arminex International, Inc., Los Angeles, CA, hereby opposes registration of Applicant's trademark, GELIQUE, published at TM 374 of the Official Gazette of December 7, 2010. The following allegations are submitted in support of this Notice of Opposition:

1. Opposer is a California corporation with its principal place of business at Los Angeles, CA.

2. Applicant, upon information and belief, is a corporation under the laws of California with its principal place of business in Commerce, CA.

3. Applicant has applied for serial number 85080615 for the mark GELIQUE based on a bona fide intent to use for nail cosmetics in Class 3. The application was filed on July 8, 2010.

4. Opposer is the owner of application 77956116 for the mark GELICURE filed on March 10, 2010 for nail cosmetics in Class 3 which was allowed for registration on September 28, 2010. An allegation of use has been filed for Opposer's application.

5. Opposer has priority of rights over the Applicant with respect to their respective marks which are intended for and/or

used on identical goods.

6 Applicant's mark are Opposer's mark are confusingly similar in that they are similar in appearance, sound, connotation and commercial impression and neither is limited in any way to specific channels of trade.

7. The likelihood of confusion in the marketplace exists between Opposer's trademark when applied to the goods of the respective parties, and applicant's trademark.

8. Registration of applicant's trademark will result in damage to Opposer's trademark and Opposer's business.

Wherefore, Opposer requests that this Opposition be sustained and that the registration to the Applicant be refused.

Dated: December 29, 2010.

/jhgeller/  
Jay H. Geller  
Jay H. Geller, A Prof. Corp.  
12100 Wilshire Bl, Suite 500  
Los Angeles, CA 90025  
Telephone: 310-979-9966  
Facsimile: 310-943-0430  
Email: jhgeller@ aol.com

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Mark D. Kremer, Conkle, Kremer & Engle, PLC, 3130 Wilshire Bl., Suite 500, Santa Monica, CA 90403-2351 on December 29, 2010.

/jhgeller/  
Jay H. Geller